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10/31/83 10:00 AM

TITLE 56 - NEBRASKA BEEF INDUSTRY DEVELOPMENT BOARD

Chapter 1 - NEBRASKA BEEF BOARD RULES

001 Administration of the Board.

001.01 Officers. The officers of the board shall be: chairman, vice-chairman, secretary and treasurer. Officers shall be elected annually.

001.02 Quorum. No action may be taken by the board unless a quorum is present. A quorum shall consist of four members. Four affirmative votes shall be necessary to adopt any commodity program, to adopt any budget, to adopt, amend or repeal any rule and regulation of the board, to change the assessment rate, and to authorize the expenditure of funds and contracting of expenditures from the Nebraska Beef Industry Development Fund. On any other motion before the board, the concurrence of a majority of those present shall be sufficient.

001.03 Board Members. The board shall meet at the call of the chairperson in accordance with the Act. The chairman shall cause due notice to be transmitted to each member within a reasonable amount of time prior to the meeting. Members shall simultaneously be provided with copies of a tentative agenda and any other relevant material. Notice and conduct of all meetings, and minutes therefor, shall be in accordance with the Nebraska Open Meetings Law, Neb. Rev. Stat. §§84-1401 to 84-1414 (Reissue 1976). The board shall conduct its business in accordance with Robert's Rules of Order, Revised, insofar as they are consistent with this rule.

001.04 Public Participation. The chairman may at his discretion allow persons attending meetings, other than board members, to speak to the extent that the chairman determines such participation will not materially impede the progress of the meeting. Any person violating this subsection shall be declared out of order.

APPROVED

PAUL L. DOUGLAS  
ATTORNEY GENERAL

BY *[Signature]*  
Assistant Attorney General

DATE 10/31/83

APPROVED:  
Date 10-31-83

*[Signature]*  
Governor

*[Signature]*  
Allen J. Beermann

001.05 Checkoff Fee.

001.05A The checkoff fee may be changed by the board as provided by the Act. Before any action thereon may be taken, the board shall conduct public hearings for such purpose. Whenever the fee is changed, the board shall cause reasonable advance notice to be given.

001.05B Effective May 1, 1983, the checkoff fee shall be 25¢ per head.

001.06 Fee Collection. In order to facilitate the efficient collection and handling of checkoff fees under the Act, the following fee collection procedures are authorized.

001.06A Whenever cattle are sold through a livestock market, livestock auction market, commission company, or to a packer, the fee shall be collected by the market, company, or packer.

001.06B Except as provided under 001.06A, above, whenever cattle are sold and brand inspection is performed, the fee may be collected by the brand inspector.

001.06C. Except as provided under 001.06A and B, above, whenever cattle are sold through a livestock dealer or order buyer, the fee shall be collected by the dealer or order buyer.

001.06D. In noncommercial sales not provided for under 001.06B, above, the fee shall be retained and remitted by the seller.

001.06E. Any person who wishes to receive a refund for overpayment of fees must submit a written application for the same to the Board no later than 60 days after the date of the alleged overpayment. Said application shall state the following: The name and address of the seller; The name and address of the buyer; The date of the payment of the overpaid fee; The amount of fee paid; The actual number of head subject to the fee; Any other relevant information; Signature of person requesting the refund, and proof of the collection must be attached thereto.

001.07 Purchase Statements. Persons whose business transactions are more or less infrequent may apply for and receive permission from the board to file annual, rather than monthly or quarterly purchase statements.

001.08 Fiscal Year. The fiscal year shall be July 1 to, and including, June 30, of the succeeding year.

001.09 Budget. Prior to the end of each fiscal year, the board shall establish and adopt a budget consistent with limited receipts and the scope of the program for the subsequent fiscal year. Such budget shall be adopted at a regular or special meeting and shall be available for inspection by the public.

001.10 Hearings.

001.10A General Provision. The board may conduct public hearings for any purpose consistent with its responsibilities, including but not limited to the adoption, amendment or repeal of rules and regulations and providing cattlemen the opportunity to offer ideas and suggestions relative to board policy.

001.10B Notice. Notice shall be given of all public hearings held by the board. The notice shall be published at least once either in a newspaper of general circulation in the area affected by the business of the hearing or in a newspaper of general circulation in the state, and the publication shall be made at least 20 days prior to the date of hearing. Such notice shall contain information as to the date, time, place and purpose of the hearing.

001.10C Procedure. The chairman, vice-chairman or a designated member shall serve as hearing officer. The hearing officer may appoint a hearing examiner to assist in the conduct of the hearing. The hearing officer or examiner shall, among other things, open the proceedings, enter into the record the notice of hearing, take appearances, receive exhibits, answer questions or call upon other persons present to answer questions, and close the proceedings. No person shall be required to be sworn in prior to presenting any evidence, which may consist of oral or written comments and any documents. All persons presenting evidence shall state their name, address, and organization they represent, if any. All evidence is to be directed at the business of the hearing and may be excluded by the hearing officer or examiner if cumulative, repetitive, or irrelevant.

001.10D Record. A record shall be made of the hearing, with the evidence presented being a part thereof. It may consist of written statements and any other documents, along with tape recordings or oral evidence. The record may be held open for a designated period

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of time at the discretion of the hearing officer for submission of any evidence not available at the time of the hearing.

002 Board Office. The office of the Board shall be in Kearney, Nebraska, at the following address:

Nebraska Beef Industry Development Board  
Rovar Park, Building 1, Unit 1  
East Highway 30  
Kearney, Nebraska 68847-2408

The telephone number of the Board is (308) 236-7551.

003 Annotation: Neb. Rev. Stat. §§54-2101 to 54-2119.

APPROVED:

Date 3-25-86

  
Governor

FILED

  
Secretary of State

MAR 25 1986